

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682



June 25, 2021

Governor's Office of Planning & Research

**June 30 2021**

Mr. Masum Patwary  
Caltrans  
703 B Street Marysville  
Marysville, CA 95901

**STATE CLEARINGHOUSE**

Subject: Comments on the I-80 Corridor Improvement Project 03-3H900, Notice of Preparation, (SCH No. 2021060117)

Dear Mr. Patwary,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Notice of Preparation (NOP) for the proposed I-80 Corridor Improvement Project 03-3H900 (proposed project). The NOP was prepared to disclose and address potential environmental impacts associated with the proposed project. The proposed project is located in the counties of Solano, Yolo and Sacramento and proposes to construct improvements consisting of managed lanes, pedestrian/bicycle facilities, and Intelligent Transportation System (ITS) within the South Fork of Putah Creek (Solano County), Putah Creek (Yolo County), Yolo Bypass and the Sacramento River that may be within the Board's jurisdiction.

**Responsibility of the Central Valley Flood Protection Board**

The Board is the State's regulatory agency responsible for ensuring appropriate standards are met for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley. The Board serves as the State coordinator between local flood management agencies and the federal government, with the goal of providing the highest level of flood protection possible to California's Central Valley.

The Board operates under authorities as described in California Water Code (Water Code), which requires the Board to oversee future modifications or additions to facilities of the State Plan of Flood Control (SPFC). In addition, pursuant to assurances provided to the United States Army Corps of Engineers (USACE) by the Board on behalf of the State, the USACE Operation and Maintenance Manuals, Code of Federal Regulations, Title 33, § 208.10, and United States Code, Title 33, § 408, the Board is responsible for the operation and maintenance of the SPFC facilities. The USACE requires the Board to serve as the lead non-Federal sponsor for projects to improve or alter facilities of the SPFC pursuant to Code of Federal Regulations, Title 33, § 408. The State's objectives include fulfilling the USACE's expectations pursuant to the assurances provided to the USACE.

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## **Encroachment Permit**

Per California Code of Regulations, Title 23, Waters, Division 1 (Title 23), Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by Board staff, are also under the Board's jurisdiction. Permits may also be required for existing unpermitted encroachments or where it is necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed. This proposed project is located within the Board's permitting authority, thereby requiring an encroachment permit.

Federal permits, including USACE Section 404 and Section 10 regulatory permits and Section 408 Permission, in conjunction with a Board permit, may be required for the proposed project. In addition to federal permits, state and local agency permits, certification, or approvals may also be required. State approvals may include, but are not limited to, California Department of Fish and Wildlife's Lake and Streamed Alteration Agreement and Regional Water Quality Control Board's Section 401 Water Quality Certification. The Applicant must obtain all authorizations that the proposed project may require.

## **Flood Impacts Analysis**

Pursuant to Section 15 of Title 23, the Board may deny an encroachment permit if the proposed project could:

- Jeopardize directly or indirectly the physical integrity of levees or other works;
- Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided;
- Cause significant adverse changes in water velocity or flow regimen;
- Impair the inspection of floodways or project works;
- Interfere with the maintenance of floodways or project works;
- Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities;
- Increase the damaging effects of flood flows;
- Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control; or
- Adversely affect the State Plan of Flood Control, as defined in the California Water Code.

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As a responsible agency under the California Environmental Quality Act (CEQA), the Board will need to have adequate information in order to evaluate whether to issue a permit at a future date. Accordingly, please be prepared to provide specific analyses to determine if the proposed project could result in any potential impacts listed above. This includes direct impacts to facilities under construction, as well as indirect impacts from the project to surrounding facilities. This encompasses any proposed work that contemplates modifications to a SPFC Facility, Lower San Joaquin Levee District Facility, or operation of any adopted plan of flood control or the hydrology of the water ways including increases or decreases in water surface elevation due to construction activities and encroachments; any work including dewatering and vibrations from both pile driving and heavy machinery that may destabilize the SPFC levees; and potential levee damage resulting from heavy machinery construction activities and associated haul routes. It is therefore recommended that the environmental document include a specific flood facility impacts analysis section.

### **Document Specific Comments**

According to page 1, "The California Department of Transportation (Caltrans) proposes to construct improvements consisting of managed lanes, pedestrian/bicycle facilities, and Intelligent Transportation System (ITS) elements along Interstate 80 (I-80) and United States Route 50 (US-50) from Kidwell Road near the eastern Solano County boundary (near Dixon), through Yolo County, and to West El Camino Avenue on I-80 and Interstate 5 (I-5) on US-50 in Sacramento County."

- Title 23 provides standards that govern the design and construction of projects that affect the flood control works and floodways. Board staff recommends that you review Title 23 Standards, including Sections 115 (Dredged, Spoil, and Waste Material), 119 (Dams and Related Structures), 120 (Levees), 121 (Erosion Control), 123 (Pipelines, Conduits, and Utility Lines), 130 (Patrol Roads and Access Ramps), 132 (Bicycle Trails) and 136 (Supplemental Standards for the Yolo Bypass).

### **Closing**

The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact James Herota at (916) 574-0659, or via email at [James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov) if you have any questions.

Sincerely,

*Andrea Buckley*

Andrea Buckley  
Environmental Services and Land Management Branch Chief

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ec: Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)